

CPED Planning Division Report
BZZ-1369: Bookmen Stacks Project
Petition to Rezone; Conditional Use Permit; and Site Plan Review

Date: November 3, 2003

Address of Property: 519-521 3rd Street North and 526 4th Street North

Date Application Deemed Complete: 8/18/03

End of 60-Day Decision Period: 10/17/03, extended by letter (dated 9/24/03) to 12/16/03

Applicant: Rex II LLC, Steve Frenz, 1 E. 19th St., Mpls., MN 55403 (612-872-4444, email: sfrenz@jasapartments.com)

Contact Person and Phone: Scott Cooper, Flag Builders, 715 Florida Ave. S., Suite 100, Mpls., MN 55426-1655 (voice: 763-540-9404, fax: 763-540-9407, email: scott@flagbuilders.com)

Staff Contact Person and Phone: Janelle Widmeier, Zoning Inspector. (612-673-3156; facsimile: 612-673-2169; e-mail: janelle.widmeier@ci.minneapolis.mn.us)

Ward: 5 **Neighborhood Organization:** North Loop Warehouse District Association

Existing Zoning: I2, Medium Industrial District, with the following Overlay Districts:

- Downtown Parking
- Industrial Living (on the northern half of the site)

Proposed Use:

- **Bookmen Stacks, Phase II:** This project is the second part of a phased development and has the following components:
 - **Residential:** Construct an eight-story building on the West side of the lot with eight floors of market rate condominiums (43 units).
 - **Parking:** Construct a one-level underground ramp below the two new buildings, which will connect to the Bookmen Lofts, Phase I below grade parking (see Prior Approvals). The garage in this phase will have 113 spaces.
 - **Other:** A landscaped courtyard occupies the Southern portion of the block. The access to the parking ramp is enclosed in an above grade structure that occupies 2,650 sq. ft.

Prior approvals:

- **Bookmen Lofts, Phase I (prior applications at 519 & 525 3rd St N):** Rehabilitate the existing Bookmen Building into 57 market rate condominiums to be ready for occupancy by the spring of

<p>If you need more information or have special needs, please call the Minneapolis Planning Division at 612-673-2597.</p>
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2004. Nine parking stalls flank the East side of the building. The Planning Commission approved this phase on 6/2/03. BZZ-1179 included the following applications:

- Conditional Use Permits for the dwelling units, building height, and a surface parking lot in the Downtown Parking Overlay District;
- Major Site Plan Review.

Concurrent Review:

- 1) A **Rezoning** petition to change the zoning classification of 526 4th St N to the Industrial Living Overlay District (ILOD), in order to allow Phase II of a Planned Unit Development.
- 2) A **Conditional Use Permit** for a Planned Unit Development with 43 dwelling units.
- 3) **Major Site Plan Review**, amendment to.

Review by the Preliminary Plan Review Committee of City Staff: 8/13/03

Neighborhood review: The applicant sent a letter of notification on September 5, 2003 to the North Loop Warehouse District Association neighborhood group; however, Planning staff have yet to receive any comments from the group.

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Background

The proposed development is located in the North Loop Warehouse District Association Neighborhood. The site is located on the block bound by 3rd St N, 5th Ave N, 4th St N, and 6th Ave N. Currently, the Bookmen Building occupies the North corner of the block and a parking lot occupies the area adjacent to 4th St N. The eastern corner of the block is not included in this development. The Caribou Building occupies this property. The proposed development has been continued from the 10/7/03 and 10/20/03 hearings.

Historic review:

- **Districts:** The northern half of the site with the existing Bookmen Lofts building is within the nationally designated Minneapolis Warehouse Historic District. The rest of the site is adjacent to this district. The entire site is outside of the locally designated Minneapolis Warehouse Historic District (Attachment 5).
- **Bookmen Lofts:** The Minneapolis Heritage Preservation Commission (HPC) staff reviewed the Bookmen Lofts project and concluded that, since the project involves no change to the existing building, no review of Phase I was needed. If the applicant seeks to modify the exterior of the Bookmen Lofts building, HPC staff review will become necessary.
- **Bookmen Stacks:** HPC staff review is not necessary.

The block is currently zoned I2. Only the Northeast half of the block has the ILOD. In order to construct a residential building, the entire property must be within the ILOD. Residential buildings of 5 or more units require a Conditional Use Permit. In addition, a Major Site Plan Review and a Replat are needed. The replat will be obtained at a later time.

Required Findings for the Applications

I. Findings as Required By the Minneapolis Zoning Code for the Petition to Add an Industrial Living Overlay District on a Portion of the Site

Zoning Plate Number: 13

Legal Description: Lots 1 through 7 including Block 18, including ½ of vacated alley except Hwy., Block 18, Bradford & Lewis Addition

1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.

According to the Principles and Policies outlined in *The Minneapolis Comprehensive Plan* (adopted by the City Council in 2000), the following apply to this proposal:

- Minneapolis will support the development of residential dwellings of appropriate form and density (p. 1.9.5).

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- Increase the city's population and tax base by developing and supporting housing choices city-wide through preservation of existing housing and new construction.
- Promote the city's high quality, architecturally interesting, readily available and affordable housing stock as a market advantage over suburban competitors.

This proposal is consistent with the comprehensive plan.

2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.

The petition will allow the development of a vacant underutilized site for residential purposes that are consistent with City plans and policies. Extending the ILOD to the rest of the block to allow residential development is consistent with the "Downtown East / North Loop Master Plan" (as discussed in Part III, Section C of this report).

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

The site is located in a large I2 zoning district. The northern portion of the site and block is within the large ILOD that encompasses the Warehouse District. The uses in the area include residential, industrial, warehousing, and commercial. To extend the ILOD to the rest of the site and block to enable the construction of a residential building is consistent with all of the ordinances regarding land use and residential density. The project will allow residences that will be compatible with the surrounding uses and with the other uses in the vicinity.

4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

The underlying industrial zoning does not permit residential uses. The light industrial uses and commercial uses that are allowed would not permit the full utilization of the site for the burgeoning uses appropriate for the Warehouse District, namely, residential units.

5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

Under the 1963 Zoning Code, the subject site was zoned M2-4. The M2-4 district is a similar zoning classification as to the current zoning. The area has seen many conversions to residential uses. This would be in keeping with that trend.

II. Findings as Required By the Minneapolis Zoning Code for the Conditional Use Permit for the Planned Unit Development

The Minneapolis City Planning Department has analyzed the application and from the findings below concludes that the establishment, maintenance, or operation of the proposed conditional use:

- 1. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The uses in the area include residential, industrial, warehousing, and commercial. Phase II of the project will construct a residential building and provide the needed parking in an underground ramp. This will be compatible with the surrounding uses and with the other uses in the area.

City staff serving on the Preliminary Plan Review committee reviewed the project on 8/18/03 and made no substantive changes to the project; however, an issue was raised by the Public Works Transportation Division regarding the curb cut proposed on 5th Ave S. The addition of a curb cut immediately adjacent to two existing curb cuts creates an unsafe pedestrian area. These curb cuts extend a total length of approximately 90 feet. The curb cut where the ramp traffic enters and exits is proposed at 25 feet; the curb cut used for the Caribou loading area is 43.5 feet; the curb cut for the Lofts surface parking is 16 feet. Two 3-foot wide curb islands have been provided by the applicant to create a pedestrian-only area to address this issue. Staff does not believe that these islands sufficiently meet the City's intent for public safety, comfort and general welfare and is currently working with Public Works and the applicant to reach a solution. (Items # 3 and 4 below, and Section A, Access and Circulation of Part III also address this issue.)

- 2. The conditional use will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

The project will not adversely impact the redevelopment of the area. It will add housing in an appropriate area of the City.

- 3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.**

The project includes adequate utility service and complies with minimum and maximum driveway width requirements. Location of access points for drives remain contentious.

- 4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.**

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The amount of traffic generated by the residents of the 43 new units is not likely to be significant, and thus is not likely to result in significant adverse impacts to the general surrounding area. The parking requirement for both residential buildings is a total of 100 parking stalls. There are 113 parking stalls provided for this phase all of which are located in the underground parking garage. The Bookmen Lofts has a parking requirement of 57 spaces, 30 of which are provided under the Stacks building. Therefore, there will be 49 stalls in the underground parking facility in excess of the one-stall-per unit requirement in the Zoning Code, meaning each residence will have 1.5 stalls per unit.

The Public Works Department has reviewed the project for driveway widths and traffic impacts. Issues were identified regarding vehicle and pedestrian (as mentioned above) circulation with the proposed curb cut. Fifth Ave. is a two-way street. Concern was expressed over two lanes of exiting traffic within 15 feet of each other. The ramp across the street also enters and exits to 5th Ave. Traffic entanglements could occur if drivers are not aware of other turning vehicles. Again, staff recommends working with Public Works and the applicant to address this issue.

The extension of the Cedar Lake Bicycle path is planned for the railroad corridor one block south of the site.

5. The conditional use is consistent with the applicable policies of the comprehensive plan.

Policy 7.5: Minneapolis will protect and sustain its water resources.

Implementation Steps:

- Encourage practices that result in either reduced overall amounts of impervious surfaces, or disconnect impervious surfaces and allow water to be slowed or detained in vegetated areas where it will do no harm to homes or property.

Policy 9.5: Minneapolis will support the development of residential dwellings of appropriate form and density. The residential building is of an appropriate scale consistent with Policy 9.5 (refer to Finding 6 in this section).

Policy 9.6: Minneapolis will work with private and other public sector partners to invest in new development that is attractive, functional and adds value to the physical environment.

Implementation Steps:

- Promote the use of progressive design guidelines and street-oriented building alignments to maximize compatibility with surrounding neighborhoods.
- Curb the inefficient use of land by regulating maximum and minimum height, setbacks, build-to lines and parking through master planning methods and zoning code regulations.

Policy 9.8: Minneapolis will maintain and strengthen the character of the city's various residential areas.

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Policy 9.10: Minneapolis will support efforts that recognize both the increased visibility and importance of corner properties and the role of gateways in enhancing traditional neighborhood character.

Implementation Steps:

- Require site plan review of new development or major additions to new structures (other than single family homes) on corner properties.

This proposal is generally consistent with the comprehensive plan.

- 6. And, the conditional use shall, in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit, the rezoning, and site plan review.**

Section 551.370 (1) describes specific provisions for residential uses in an ILOD. None of the four provisions apply to the subject project.

The number of dwelling structures on a zoning lot, building height, interior side yard, and drive aisle width do not meet code requirements and will need to have exceptions approved by the Planning Commission.

Exceptions to Zoning Ordinance Standards: Chapter 527, Planned Unit Development authorizes the City Planning Commission to approve exceptions to the zoning regulations that are applicable to the zoning district in which the development is located. This may be done only upon finding that the Planned Unit Development includes adequate site amenities to address any adverse effects of the exception.

Placement of Structures: In a Planned Unit Development, there may be more than one principal residential structure located on a lot. This development is currently proposing two residential buildings located on the lot.

Bulk Regulations/Building Height: The maximum height requirement in the I2 zoning district is four stories or 56 feet, whichever is less. In a Planned Unit Development, the height of structures may be increased. The height of the residential development measures eight stories. The adjacent Bookmen Lofts building (Phase I of the project) is five stories tall and 64 feet high (stair structures and a new elevator penthouse approved by the Planning Commission as a part of the Phase I project extend the height to 80 feet). The new building is proposed be about 40 feet taller than the existing Bookmen Building (with the elevator penthouse the total height is approximately 110 feet). Attachment 1d shows the surrounding uses and the number of stories of each. Buildings range from one to eight-stories in height. The proposed height is consistent with the “Downtown East / North Loop Master Plan” (see attachment 4). Also, the height proposed is within the floor area ratio (FAR) allowed. The maximum FAR for the I2 zoning district is 2.7. This development has a FAR of 2.15. Planning staff has reviewed the plans and concludes that the proposed height of the new building will be compatible with the existing buildings in the area.

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Yards: The Stacks front yard is along 4th St N, the corner side yard is along 6th Ave N, the interior side yard is the North side of the proposed structure. The front yard setback requirement is 0 feet, the corner side yard setback is 0 feet, and the interior side yard setback is 19 feet. The Bookmen Lofts has a side yard setback requirement of 13 feet. The distance between the two residential structures at the closest point is 28 feet; a total of 32 feet is required. However, the footprints maintain the required total setback distance because the Stacks façade only projects closer to the Lofts towards the top of the building. Staff recommends reducing the required interior side yard since the distance between the building's footprints is in compliance.

On-Premise Signs: Specifications for signage have not been submitted. The applicant is aware that if signage does not meet code, a variance will be necessary. All new signage requires review, approval, and permits from the Zoning Office.

Off-Street Parking and Loading: The underground parking proposed in this phase does not meet the all the required drive aisle widths. (The applicant intends to meet the minimum stall size requirements, thereby requesting an exception to the drive aisle width requirement). In this development, most of the stalls are angled at 70-degrees therefore comparable to 60-degree angled parking. For angled parking at 60-degrees, the Zoning Code requires a minimum stall depth of 19 feet 10 inches and a minimum drive aisle width of 18 feet. The average drive aisle width proposed for the angled parking is 13 feet 10 inches. Each aisle only allows for one-way traffic. Although no compact spaces are shown on the proposed parking plan (see attachment 2c), 25 percent of required parking stalls can be compact and counted towards the total requirement in full compliance. For compact spaces a depth of 17 feet is required, as well as an 18 foot drive aisle. As previously mentioned in #4 for this application, the development exceeds the number of parking spaces required for the use, but is within reasonable demand. In effect, the drive aisle is short the code requirement for only 29 of the required spaces (excluding those that can be considered compact). For the previously mentioned reasons, staff recommends granting the reduction in drive aisle width.

In addition to the conditional use permit standards contained in Chapter 525, Administration and Enforcement, before approval of a planned unit development the city planning commission also shall find:

- (1) That the planned unit development complies with all of the requirements and the intent and purpose of this chapter. In making such determination, the following shall be given primary consideration:**
 - a. The character of the uses in the proposed planned unit development, including in the case of a planned residential development the variety of housing types and their relationship to other site elements and to surrounding development.**

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- b. The traffic generation characteristics of the proposed planned unit development in relation to street capacity, provision of vehicle access, parking and loading areas, pedestrian access and availability of transit alternatives.**
- c. The site amenities of the proposed planned unit development, including the location and functions of open space and the preservation or restoration of the natural environment or historic features.**
- d. The appearance and compatibility of individual buildings and parking areas in the proposed planned unit development to other site elements and to surrounding development, including but not limited to building scale and massing, microclimate effects of the development, and protection of views and corridors.**
- e. The relation of the proposed planned unit development to existing and proposed public facilities, including but not limited to provision for stormwater runoff and storage, and temporary and permanent erosion control.**

This proposed development consists of 43 for-sale condominiums in an 8-story building. Adjacent uses include residential, commercial, and industrial, which range in size from 1 to 8-stories. Views from surrounding properties will be affected; however, the footprint area of the proposed building is relatively small in comparison to surrounding buildings. Sufficient underground parking is available for the use. Public Works has not approved vehicle access to the site due to concerns with traffic and pedestrian conflicts. Site amenities include a landscaped courtyard and roof garden. Phase I of the development calls for rehabilitation of an existing building. The project is within the jurisdiction of the Middle Mississippi River Watershed Management Organization. To mitigate the potential stormwater impacts on the river, the project will have to submit a Stormwater Management Plan to the Public Works Department for approval.

- (2) That the planned unit development complies with all of the applicable requirements contained in Chapter 598, Land Subdivision Regulations.**

A replat will be submitted at a later time.

III. Findings as Required By the Minneapolis Zoning Code for Site Plan Review

Required Findings for Major Site Plan Review

- a. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A below for evaluation.)
- b. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan (See Section B below for evaluation).

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- c. The site plan is consistent with applicable development plans or development objectives adopted by the City Council (See Section C for evaluation).

Section A: Conformance with Chapter 530 of Zoning Code, Site Plan Review:

BUILDING PLACEMENT AND FAÇADE:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building façade shall provide architectural detail and shall contain windows at the ground level or first floor.
- In larger buildings, architectural elements shall be emphasized.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited where visible from a public street or a residence or office residence district.
- Entrances and windows:
- Residential uses shall be subject to section 530.110 (b) (1).
- Nonresidential uses shall be subject to section 530.110 (b) (2).
- Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

Residential Building:

The new residential building will be up to the property line at the corner of 6th Ave N and 4th St N consistent with the Code. The principal entrance does not face a principal street rather it would be accessed via the interior of the landscaped courtyard under the applicant's proposal. From the courtyard, pedestrian access and circulation is uninhibited to 4th St N including the intersection of 4th St and 5th Ave. Walkways from 3rd St and 6th Ave allow pedestrians additional access. Staff recommends that the applicant include a principal entrance facing one of the public streets.

The percentage of windows required for the first floor of the two sides of the buildings that face a public street is 20 percent. Approximately 40% of the first floor West elevation facing 6th Ave N are windows. An expanse of tinted glass dominates the façade on 4th St N. However, the glass

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does not permit views into or out of the building. The first floor façade facing the courtyard is 75% windows.

All four sides of the building are compatible with one another. The facades utilize materials and shapes to create emphasized architectural elements. The applicant proposes tinted glass and metal wall panels as the primary exterior materials.

Parking is below the building consistent with the Site Plan Review chapter.

Access Structure to Below Grade Parking:

This structure is 5 feet from the property line adjacent to 5th Ave N. No windows are proposed. The primary exterior material consists of metal wall panels, also used on the residential building. The vehicle access directly adjacent to two other curb cuts does not easily facilitate pedestrian access and circulation along 5th Ave as discussed in Part II of this report. Although vehicles will not be entering onto 5th Ave from a steep slope (the average grade for the ramp is 5 percent), solid walls line both sides of the structure limiting sight lines into the right of way.

Access and Circulation:

- **Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.**
- **Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.**
- **Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.**
- **Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.140 (b).**
- **Areas for snow storage shall be provided unless an acceptable snow removal plan is provided.**
- **Site plans shall minimize the use of impervious surfaces.**

The building conforms to the walkways and sidewalk requirements. Lighting is provided in these areas. The project does not conform with the Zoning Code and the requirements of the Public Works Transportation Division in regards to vehicular access and circulation. Curb cuts on 5th Ave N have not been consolidated. The proposed design of the courtyard does not minimize impervious surfaces. The total area of the cobblestone pavers and crushed aggregate is 22,500 sq. ft, or 26% of the site. All parking is contained below grade and therefore does not add to the impervious surface area. Snow will be removed from the site.

Landscaping and Screening:

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
- **Not less than twenty (20) percent of the site not occupied by buildings shall be landscaped as specified in section 530.150 (a).**
- **Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).**

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- Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.
- Required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:
 - A decorative fence.
 - A masonry wall.
 - A hedge.
- Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.160 (b).
- Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).
- The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.
- Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.
- All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible. The two (2) feet between the face of the curb and any parking lot boundary shall not be landscaped with plant material, but instead shall be covered with mulch or rock, or be paved.
- All other areas not governed by sections 530.150, 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.
- Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.220.
- The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.60, as provided in section 530.230.

The site (86,780 sq. ft.) less the building footprints (22,500 + 12,250 + 2,650 sq. ft.) yields a net site of 49,380 sq. ft. The project includes 26,700 sq. ft. of planted greenscaping plus roof gardens (800 sq. ft.) which equals approximately 27,500 sq. ft. of landscaping, or 56% of the net site. There are no required landscaped yards. Landscaping must be installed and maintained to the standards of Ch. 530. The City's landscape consultant has not reviewed the revised landscape plan (Attachment 2a).

Additional Standards:

- Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.
- Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.
- Site plans shall minimize the blocking of views of important elements of the city.
- Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.

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- **Buildings shall be located and arranged to minimize the generation of wind currents at ground level.**
- **Site plans shall include crime prevention design elements as specified in section 530.260.**
- **Site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

The lighting plan does not address the footcandles at the property lines. Most lights proposed exceed the 2,000 lumens maximum. However, all pedestrian level lighting is fully shielded. The building has no significant impact on the generation of pedestrian-level winds. Also the canopies over the street-level entrances will serve to protect pedestrians as they access the building. The building will cast shadows on adjacent properties due to the height compared to the surrounding buildings, but these effects will have less impacts because of its width and breadth. The Police Department reviewed the design as regards to crime prevention design elements and found no issues.

Section B: The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan.

ZONING CODE:

With the approval of the rezoning, conditional use permit, site plan review, and replat (later) the project will be in conformance with the requirements of the zoning code provided exceptions are granted for the planned unit development and alternative compliance is granted for the site plan review.

COMPREHENSIVE PLAN:

Please see the comprehensive plan sections of this staff report.

Section C: The City uses several other plans and policies to guide decision making and evaluate proposals including the following:

(1) “Minneapolis Warehouse Preservation Action Plan” (adopted by the City Council in 2000)

The “Plan Area” for the plan includes the subject site. The plan includes the following policies that apply to all properties within the Plan Area, including the subject project:

- The plan describes a proposed expansion area for the locally designated Minneapolis Warehouse Historic District. The Phase II of the site is not within this expansion area (Attachment 5).
- Encourage high quality design, architectural diversity, and the use of high quality materials that reinforce the historic character and integrity of the Warehouse Historic District and the St. Anthony Falls Historic District.
- Maximize pedestrian activity through interactive building design, and enhanced streetscape and parking lot design.

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The design of the new building does not liken itself to surrounding structures in terms of materials proposed, although the scale and mass is not out of proportion. Limited amounts of greenery are consistent with the plan as proposed in the courtyard area.

(2) “Downtown East / North Loop Master Plan” (adopted by the City Planning Commission 9/22/03)

This draft plan calls for mixed-use office commercial in medium height buildings (5-13-story buildings). The plan stresses the importance of street-level retail along 5th Ave N and having buildings located up to the street. The plan includes a theoretical project (“Springboard Project”) for the subject site to illustrate the plan’s central concepts for this area (Attachment 4). This concept shows the reuse of the existing buildings, a new 8-story building that fronts all three sides of the existing surface parking lot, and no surface parking.

Alternative Compliance: The Planning Commission may approve alternatives to any major site plan review requirement upon finding any of the following:

- The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.
- Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.
- The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.

PLANNING DEPARTMENT RESPONSE

The Planning Department believes that alternative compliance should be granted to allow there to be less than twenty percent window frontage (that permits views into and out of the building at eye level) along 4th St N. Views to the West include the I-94 overpass access ramp and the garbage incinerator. The applicant has proposed almost twice the required amount on the 6th Ave side. The East façade incorporates 75% windows on the first level. All of the windows on both of these facades allow views into and out of the building.

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RECOMMENDATIONS OF THE CITY PLANNING DEPARTMENT:

REZONING

The Community Planning Economic Development (CPED) Department, Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning for the property of 526 4th St N to add the ILOD to the existing I2 district to allow Phase II of a Planned Unit Development.

PLANNED UNIT DEVELOPMENT

The CPED Department, Planning Division recommends that the City Planning Commission and **approve** the Conditional Use Permit for the property of 526 4th St N for Phase II of a multi-phased Planned Unit Development with 43 dwelling units subject to the following conditions:

- 1) The Planning Department shall approve the final site, elevation, lighting and landscaping plans.
- 2) Final access and circulation, including the location of any curb cuts, shall be subject to review and approval by the Planning Department and Public Works Department.
- 3) Approval of a Common Interest Community plat for the entire Planned Residential Development before building permits are issued.

SITE PLAN REVIEW

The CPED Department, Planning Division recommends that the City Planning Commission **approve** the amendment to the Major Site Plan Review for the properties of 519-521 3rd Street North and 526 4th St N for Phase II of a multi-phased Planned Unit Development subject to the following conditions:

- 1) Approval of the rezoning and planned unit development.
- 2) The Planning Department shall review and approve the final site, elevation, lighting and landscaping plans before building permits are issued.
- 3) Not less than one principal entrance shall face a public street.
- 4) Final access and circulation, including the location of any curb cuts, shall be subject to review and approval by the Planning Department and Public Works Department.
- 4) All site improvements shall be completed by November 21, 2004, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

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- 5) The applicant shall submit a performance bond in the amount of 125% of the estimated site improvement costs before building permits are issued, or the permit may be revoked for non-compliance.